

**ZONING BOARD OF APPEALS**

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ZBA 2010-13

Petition of Lorne MacDougall
4 Great Plain Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 4, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of LORNE McDOUGALL requesting an additional one-year extension of the Special Permit, 2007-25 that was granted on May 14, 2007, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, on a 19,433 square foot lot in a district in which the minimum lot size is 30,000 square feet, at 4 GREAT PLAIN AVENUE.

On February 16, 2010 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was David Himmelberger, Esq., who said that he was present on behalf of the new owner of 4 Great Plain Avenue, Lorne MacDougall (the "Petitioner"). He said that the property was sold on December 1, 2009 to Mr. MacDougall and his wife.

Mr. Himmelberger said that the Petitioner is requesting a one year extension of the Special Permit that was previously extended on March 19, 2009. He said that after the March 19th extension was granted, he was back before the Board in June 2009 with a prospective purchaser who wanted a minor modification to the building plans. He said that the Board acted favorably on that. He said that the buyer was unable to secure construction financing and the deal fell through. He said that the property was subsequently under agreement one more time but that offer did not go forward. He said that the December 1, 2009 closing occurred between the previous owners and the MacDougalls.

Mr. Himmelberger said that the MacDougalls would like to have additional time to consult with architects. He said that they also need time to sell their home in Wellesley.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 4 Great Plain Avenue, on a 19,433 square foot lot in a district in which the minimum lot size is 30,000 square feet.

The Petitioner is requesting an additional one-year extension of the Special Permit, 2007-25 that was granted on May 14, 2007, an extension that was granted on March 19, 2009, and a modification that was granted on June 25, 2009, pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw for demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, on a 19,433 square foot lot in a district in which the minimum lot size is 30,000 square feet.

On February 22, 2010, the Planning Board Staff reviewed the petition and recommended that the one-year extension be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

Therefore, extension of the Special Permit, ZBA 2007-25 that was extended and modified as ZBA 2009-11, is granted, as voted unanimously by this Authority at the Public Hearing. Extension is granted to March 19, 2011.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm